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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 MAGAS CORP. d/b/a 670
14 ROCKSTEADY SHOP, et al.;

15 Plaintiffs,

16 v.

17 MAGAS ORIGINALS LLC, et al.;

18 Defendants.

Case No.: 5:25-cv-00278-KK-DTB

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR DEFAULT
JUDGMENT PURSUANT TO FED. R.
CIV. P. 55(b)(2) AND FOR AWARD
OF ATTORNEYS' FEES AND
LITIGATION COSTS**

Hon. Kenly Kiya Kato

Trial Date: None Set

Date: July 24, 2025

Time: 9:30 a.m.

Courtroom 3

1 PLEASE TAKE NOTICE THAT on Thursday, July 24, 2025, at 9:30 a.m., or as
2 soon thereafter as counsel may be heard, in the Courtroom of the Honorable Kenly Kiya
3 Kato, of the United States District Court for the Central District of California, located at
4 the George E. Brown, Jr. United States Courthouse, 3470 12th Street, 3rd Floor,
5 Courtroom 3, Riverside, CA 92501, plaintiffs Magas Corp. d/b/a 670 Rocksteady Shop,
6 May Ann Cabrera, Nicollete Villagomez as guardian ad litem for K.C. & R.C., and the
7 estate of Francisco Deleon Guerrero Cabrera (collectively, "Plaintiffs") will, and hereby
8 do, move the Court for default judgment against defendants Magas Originals LLC and
9 Keith Duenas (collectively, "Defendants"). The grounds of the Motion are that
10 Defendants have failed to respond to the properly served Summons and Complaint and
11 the Complaint sets out meritorious causes of action. Defendants were served notice of
12 this Motion by e-mail despite not having appeared in this action.

13 Plaintiffs are entitled to judgment against Defendants on account of the following
14 claims pleaded in the Complaint:

- 15 1. Federal trademark infringement, 15 U.S.C. § 1114;
- 16 2. Federal unfair competition, 15 U.S.C. § 1125(a)(1)(A);
- 17 3. Federal false designation of origin, 15 U.S.C. § 1125(a)(1)(B);
- 18 4. Unfair business practices, Cal. Bus. & Prof. Code § 17200 *et seq.*; and
- 19 5. Common law trademark infringement.

20 Pursuant to the provisions of 15 U.S.C. § 1117(a), Plaintiffs also seek a finding
21 that this case is exceptional and seek to recover their attorneys' fees, which amount to
22 \$11,752.00, and costs, which amount to \$998.05.

23 Plaintiffs seek to enjoin Defendants' use of confusingly similar trademarks.
24 Plaintiffs also seek monetary damages. The amount of judgment sought by Plaintiffs to
25 be entered is the sum of \$66,512.20, which represents damages in the amount of
26 \$53,762.15 for Defendants' infringing sales, attorneys' fees of \$11,752.00, and costs of
27 this litigation in the amount of \$998.05 as set forth in the accompanying Declaration of
28 Andrew Robert Cowan and the exhibits thereto.

1 This Motion is based on this Notice, the accompanying Memorandum of Points
2 and Authorities, the accompanying Declaration of Andrew Robert Cowan and exhibits
3 thereto, and the pleadings, files, and other matters that may be presented to the Court at
4 any hearing on this application.

5 Respectfully submitted:

6
7 Dated: June 17, 2025

By: /Andrew Robert Cowan/

8 Andrew R. Cowan, Esq.

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